

DEPARTMENT OF HEALTH BOARD OF PHYSICAL THERAPY MEETING MINUTES

Friday, February 27, 2004

Department of Health, Point Plaza East, 310 Israel Rd. SE, Tumwater, WA

On February 27, 2004 the Board of Physical Therapy met at the Department of Health, Point Plaza East, 310 Israel Rd SE, Tumwater, Washington. In accordance with the Open Public Meetings Act, notices were sent to individuals requesting notification of meetings.

MEMBERS PRESENT

Samuel Stockton, PT, Chair
Shawn Quigley, PT, Vice Chair
Chuck Martin, PT
Su Sawyer, Public Member – via telephone

STAFF PRESENT

Kris Waidely, Health Services Consultant 3
Jennifer Bressi, Health Services Consultant 1
Gail Zimmerman, Executive Director
Peter Harris, Staff Attorney
Melissa Burke-Cain, AAG, Advisor
Marnie Sheeran, AAG, Prosecutor

GUESTS PRESENT

Pat Muchmore, PT

Friday February 27, 2004 – 9:20 am – OPEN SESSION

1. CALL TO ORDER

- 1.1 Approval of Agenda
Agenda approved with additions.
- 1.2 Approval of Meeting Minutes
November 18, 2003 meeting minutes approved.

2. INTRODUCTIONS

The Board was introduced to Peter Harris, staff attorney. Mr. Harris will be assisting the Board's current staff attorney, Lisa Pannone, as the need arises. Gail Zimmerman, Executive Director, informed the Board that she is retiring from State service on June 11, 2004. Victoria Palmer was introduced to the Board as the new program representative. Ms. Palmer will provide administrative support to the Board of Physical Therapy, Occupational Therapy Practice Board, and the Recreational Therapy Program.

3. PHYSICAL THERAPY ASSOCIATION OF WASHINGTON, INC. SPRING CONFERENCE

The Board discussed their participation at the Spring PTWA Conference, April 23 - 24, 2004. The Board would like to reserve a table to display current

rules, law books, and future proposed rule changes. Gail Zimmerman, Executive Director and Victoria Palmer, program representative will staff the table on Saturday, April 24, 2004, from 8:00 am – 12:00 pm.

4. E-MAIL FROM ERIC D. MILLER, PT

The Board discussed an e-mail received from Eric D. Miller, PT. The Board decided that there is nothing specific for the Board to address and would like department staff to refer Eric D. Miller, PT, to the Insurance Commissioner's Office.

5. SUPERVISION OF PTAs

The Board had a discussion regarding who can supervise PTAs. The Board received a question asking if a physician can supervise a physical therapy assistant. Currently, physical therapy assistants are not regulated and there is nothing in the law relating to physical therapy, RCW 18.74, which addresses this issue. The Board would like the department's staff attorney or AAG Advisor to address this issue.

6. POLICY

The Board reviewed and discussed the Moving Cases from Assessment to Investigative Phase Policy. Gail Zimmerman, Executive Director, explained the current process of how cases are moved throughout the disciplinary process. Case management is a pass through from program to investigations. If the violation is very clear within the report and you know that an investigation is warranted, the case is taken to case management and moved into investigative phase. After the investigation a reviewing board member is assigned to the case. The Board can establish a protocol for investigators so they can obtain the same information each time cases are investigated. This policy does not relate to any decision-making activities that are handled by the Board. If cases are taken through case management and the decision is that no violation appears to have occurred, the program manager will present the case to the Board for closure. The Board would like to develop protocols and only those cases will be moved to investigative phase without the reviewing board member reviewing the case prior to the investigative phase. The Board would like to remove record/billing discrepancies from the policy. The Board would like to develop a workgroup to look at current protocols and develop protocols that they would like to use. The Board will receive a report on the status of this project at the next Board meeting.

7. SEXUAL MISCONDUCT & INTERIM PERMITS RULE

The Board looked at the proposed sexual misconduct WAC for possible corrections. The Board did not make any corrections or amendments to the proposed WAC. Melissa Burke-Cain, AAG Advisor, addressed a few concerns regarding the proposed language in the interim permits WAC. After hearing the concerns the Board decided to include the language "in Washington" to the first paragraph of the proposed WAC.

RULES HEARING – 1:30 p.m. – 2:00 p.m.

The Board of Physical Therapy held a rules hearing to propose the adoption of the following WACs: WAC 246-915-085 Continuing Competency, WAC 246-915-182 Sexual Misconduct, and WAC 246-915-210 through 280 Mandatory Reporting. The Board did not receive any opposition to the proposed rules. After the hearing the Board discussed and approved the proposed WACs for adoption.

CLOSED SESSION

8. EXECUTIVE SESSION

Gail Zimmerman, Executive Director, met with the Board in an Executive Session to discuss Board business.

OPEN SESSION

9. FEDERATION OF STATE BOARDS OF PHYSICAL THERAPY (FSBPT) CONTINUING COMPETENCY PILOT PROJECT

The Board briefly discussed the continuing competency pilot project proposal and power point presentation received from Christine Larson, PT, Director of Professional Standards, Federation of State Boards of Physical Therapy (FSBPT). The Board has concerns that this pilot project will allow licensed physical therapist's to complete less than 40 hours of continuing education. The Board was also unable to determine the timeframe of the pilot project. Department staff will contact Christine Larson for clarification before responding to her proposal.

10. LICENSURE STANDARDS RELATED TO TELEHEALTH

Ms. Quigley, PT, Board Vice-Chair, informed the Board that she is continuing to work on the Telehealth issue. This item will be placed on the Board's next agenda for a status update.

11. E-MAIL FROM JOELLEN HOWARD, PT

The Board reviewed and discussed an e-mail received from JoEllen Howard, PT, regarding removing staples. The Board would like department staff to work with the AAG Advisor to address this issue.

12. INACTIVE STATUS RULE

The Board reviewed and discussed other profession rules regarding the inactive status. The Board decided to propose language restricting the inactive status to three years to be consistent with the requirements for expired licenses. The draft language will be sent out to all licensees for comment prior to the next Board meeting.

13. PROGRAM REPORT

13.1 Legislative Update - Gail Zimmerman, Executive Director discussed proposed legislation with the Board.

13.2 Budget Update - The Board was provided with October, November, and December 2003 Interim Operating Reports.

13.3 Planning for Upcoming Meetings - The next agenda will include an update on Telehealth, update on the workgroup for establishing protocols, update on subcommittee working on reviewing standards for applicants from unapproved schools, update on equivalent standards for licensure, draft inactive status rule, and a rules hearing.

13.4 Other
None

13.5 Provided for the Board's Information

- Federation of State Boards of Physical Therapy CBT Comments for the months of June, July, August and September 2003
- Federation of State Boards of Physical Therapy 2004 Budget
- Health Professions Quality Assurance Credential Information
- Memo from Bonnie King, HPQA Director

14. STIPULATED AGREEMENT PRESENTATION

14.1 Margaret Metzger, PT
License No. PT00008147
Docket No. 03-10-A-1015PT

Marnie Sheeran, AAG Prosecutor, presented the Stipulated Findings of Fact, Conclusions of Law, and Agreed Order concerning Margaret Metzger, PT.

The Agreed Order was approved as presented.

CLOSED SESSION

15. REVIEW OF APPLICATIONS

- **Applicant B** – Denied pending completion of general education requirements, wound care, and pharmacology.
- **Applicant C** – Denied pending completion of wound care, pharmacology, cardiopulmonary care, and clinical medicine in geriatrics.
- **Applicant G** – Denied pending completion of wound care, pharmacology, and clinical medicine in geriatrics.
- **Applicant F** – Denied pending completion of general education and professional education.
- **Applicant E** – Denied pending completion of wound care and clinical medicine in geriatrics.
- **Applicant D** – Denied pending completion of general education requirements and wound care.

16. DISCIPLINARY CASE REVIEWS

Case 2003-02-0002PT

ACTION: – Stipulation to Information Disposition presented and approved by the Board.

Case 2003-11-0003PT

ACTION: – Case closed below threshold – Isolated complaint.

Case 2004-01-0001PT

ACTION: - Case closed below threshold – minimal risk.

Case 2003-11-0004PT

ACTION: - Case closed – back in compliance with disciplinary order.

Case 2004-02-0002PT

ACTION: - Case closed below threshold – No jurisdiction.

Case 2004-02-0001PT

ACTION: – Send case to investigations.

Case 2004-02-0003PT

ACTION: – Send case to investigations.

Case 2003-03-0001PT

ACTION: – Case represented for closure – No violation after investigation.

17. CONTINUING EDUCATION AUDITS

- Audit C Acceptable
- Audit D Acceptable
- Audit Q Acceptable
- Audit U Acceptable
- Audit Z Acceptable
- Audit O Acceptable
- Audit S Acceptable
- Audit W Acceptable
- Audit A Acceptable
- Audit A1 Acceptable
- Audit G Acceptable
- Audit L Acceptable
- Audit N Acceptable
- Audit R Acceptable
- Audit V Acceptable
- Audit B2 Acceptable
- Audit Y Unacceptable - open case and send to investigations
- Audit I Acceptable
- Audit K Acceptable

- Audit P Send letter for clarification of employment hours
- Audit T Acceptable
- Audit X Acceptable

There being no further business, the meeting adjourned at 3:40 pm.

Respectfully submitted:

Approved:

Kris Waidely
Program Manager

Samuel Stockton, PT, Chair
Board of Physical Therapy